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10/004,129	11/01/2001	Gary K. Weise	99-040	7049

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EXAMINER

PATEL, DHIRUBHAI R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,129

Applicant(s)

WEISE ET AL.

Examiner

DHIRU R PATEL

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/01/2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49 is/are allowed.
- 6) ☒ Claim(s) 1-48 and 50-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2831

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, said insert recess includes a larger sized portion opening outwardly on said junction box, and a smaller sized portion opening inwardly of said junction box to said volume, recited in claims 27, 32 must be shown or the feature(s) canceled from the claim(s). The examiner suggest showing reference number for a larger sized portion opening and a smaller sized portion opening . A proposed drawing correction or corrected drawings are required in reply to the office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. No new matter should be entered.

Applicant is responsible for showing reference number for claimed invention.

2. Applicant is required to submit a proposed drawing correction in reply to this office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2831

3. Claim 16 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 16 line 2, "each of said four side wall each have no openings" is confusing because it is not clear that how a conduit being installed without opening in the junction box.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 9, 15-17, 19-22, 25-27, 31-32 are rejected under 35 U.S.C.

§ 102(b) as being anticipated by

Roesch et al (6,423,897).

Regarding claims 1 and 9, a high-volume, high-utility, non-conductive enclosure for electrical components and wiring comprising: a molded polymer junction box 10 (see fig 1, column 2 lines 15-31, column 5 lines 5-10) including a non-perforate back wall 22, and plural non-perforate contiguous walls 24, 26, 28, 30 extending generally perpendicularly to said back wall (see fig 1), and each one of said plural contiguous walls joining integrally to the back wall and also to adjacent ones of said plural contiguous walls (see

Art Unit: 2831

fig 1), said back wall and said plural contiguous walls cooperatively defining a chamber 20 within said junction box (see fig 1, column 2 lines 25-30), with said plural contiguous walls at respective end edges cooperatively forming an opening to said chamber (see fig 1), at least one of said plural contiguous walls carrying an integral mounting lug member 32 extending across said opening (see fig 1), and said mounting lug member also extending inwardly of said chamber from substantially said end edge of said at least one wall toward but short of said back wall to define a termination surface (Near element 32, see fig 1), whereby an electrical component 12 may be inserted via said opening into said chamber to be secured within the junction box at said mounting lug (see fig1, abstract lines 1-8, column 2 lines 15-25).

With respect to claim 9, see fig 1.

Regarding claim 2, wherein said one wall defines a wall portion extending a from said termination surface to said back wall, whereby said wall portion provides a wall surface within said junction box for receiving a conduit socket (knockout 50, see fig 1, column 3 lines 50-60).

Regarding claims 3-4, wherein at least a selected one of said plural contiguous walls carries on an outer surface thereof a drilling indicia for positioning a conduit socket (knockout 50, see fig 1, column 3 lines 50-60).

Art Unit: 2831

Please note that the assembly of Roesch et al al meet the structural limitations.

Regarding claims 15 -17, 19, a molded non-conductive plastic junction box 10 (see fig 1, column 2 lines 15-31, column 5 lines 5-10) comprising a back wall 22 and four contiguous integral side walls 24, 26,28,30 each joined both to the back wall and to two adjacent ones of the four contiguous side walls, said four contiguous side walls being disposed in spaced apart opposite pairs (see fig 1,), said back wall and four side walls cooperatively bounding a chamber within said junction box, and each side wall terminating at an end edge substantially in a common plane to cooperatively define an opening to said chamber 20 (see fig 1, column 2 lines 25-30), and one of said four contiguous side walls carrying an integral mounting lug 32 extending from said one side wall toward the opposite one of said side walls (see fig 1), said mounting lug also extending from substantially said common plane toward but short of said back wall, and said one wall providing a wall portion extending from said mounting lug to said back wall which is unobstructed and available for mounting of a conduit socket therein (see fig 1, knockout 50, see fig 1, column 3 lines 50-60), whereby said junction box provides increased interior volume and increased wall area for the mounting of conduit sockets (see fig 1) . With respect to claims 16-17, 19, see fig 1. Please note that the assembly of Roesch et al meet the structural limitations.

Art Unit: 2831

Claim 25 is method counter part of product claim 1.

Regarding claim 26, an electrical junction box 10 (see fig 1, column 2 lines 15-31, column 5 lines 5-10) having plural walls 24, 26, 28, 30 cooperatively arranged and interconnected so as to substantially bound a volume and to define an opening to said volume by which electrical components and electrical wiring may pass into and from said volume wall of said plural walls of said junction box defining an insert recess opening 50 outwardly from said volume (see fig 1), whereby said insert recess may receive a matchingly configured insert member (lock nut, see column 3 lines 55-60) which provides for joining to said junction box of at least one electrical conduit at an end termination portion thereof (see fig 1,).

Regarding claims 27 and 32, considering the drawing objection, claim 27 is included in this rejection as best understood (see fig 1).

Claim 31 is method counter part of product claim 26.

5. Claims 36-39, 42-45 are rejected under 35 U.S.C. § 102(b) as being anticipated by Robinson et al WO 97/30499.

Robinson disclose :

Regarding claim 36, an insert member 152 for use in combination with an electrical junction box 150 (see fig 26, page 14 lines 22-29), said insert member including a body portion of selected configuration in end view (see fig 26), and at least one boss member extending from said body portion (see

Art Unit: 2831

fig 26), said body portion and said boss member cooperatively defining a stepped through bore opening outwardly on said boss member and extending axially in said boss member and body portion and opening through said body portion, said stepped through bore providing a socket 58 for receiving an end portion of an electrical conduit 154(see fig 26, page 14 lines 22-29).

Regarding claim 37, wherein said insert member provides a pair of boss members and a corresponding pair of conduit sockets in side by side relationship (see fig 5, please note that Robinson disclosed that a three dimensional view of a four way conduit box accessory which includes four of the couplings, see page 8 lines 14-17).

Regarding claims 38 -39, wherein said body portion has a center line in side elevation view, and said boss portion similarly has a center line in side elevation view, and the respective center lines of said body portion and of said boss member being in a selected relationship to one another (see fig 26). With respect to claim 39 , see fig 26.

Regarding 42, a conduit coupling 50 defining a pair of oppositely extending conduit sockets 58 each providing (see figs 5, 12 and 18 abstract lines 1-5, page 10 lines 5-25) for adhesively receiving an end portion of a run of conduit 62 (see figs 5 and 12, page 10 lines 26-28), said conduit coupling further including an exterior boss providing a mounting surface extending parallel to the axis of the coupling (see figs 5, 12, page 10 lines 26-28), and

Art Unit: 2831

provision for receiving and retaining a spacer member 90 disposed between said exterior boss and a surface upon which said conduit coupling is attached(see figs 6, 12).

Regarding claim 43, wherein said provision at said boss includes a pair of parallel mounting pins 74 (see figs 1-4 and 18).

Regarding claim 44-45, Please note that the assembly of Robinson et al meet the structural limitations.

6. Claims 40-41 are rejected under 35 U.S.C. § 102(b) as being anticipated by F. E. Wentworth (2,393,581).

F. E. Wentworth discloses;

Regarding claim 40, an insert member 19 (see fig 1, column 1 lines 55 and column 2 lines 1-18, and column 2 lines 53-55, column 3 lines 1-5) for use in combination with a pair of electrical junction boxes 29, 31 (see fig 1), said insert member providing for joining of said pair of electrical junction box in to a ganged pair or plurality of junction boxes, said insert member including a body portion of selected configuration in end view (see fig 1), and a pair of boss members 21 (see fig 1) extending in opposite directions from said body portion, said body portion and said boss members cooperatively defining a through passage opening outwardly on each of said pair of boss members and extending axially in said boss members and body portion (see fig 1).

Art Unit: 2831

Regarding claim 41, said through passage is generally y rectangular in axial view (see fig 1).

7. Claims 46-47, 50-51 are rejected under 35 U.S.C. § 102(b) as being anticipated by Parviaine Mauri (EP 1 156566 A2).

Parviaine Mauri discloses:

Regarding claim 46, an electrical junction box having plural walls 1,2 (abstract lines 1-5) cooperatively arranged and interconnected so as to substantially bound a volume and to define an opening to said volume by which electrical components and electrical wiring may pass into and from said volume (see fig 2A); a back 3 one of said plural walls outwardly and at respective corners of the junction box defining respective ones of plural corner recesses 11 (see fig 2A, , abstract lines 1-10), each corner recess including a recess 12 floor bounded by a pair of recess side walls 14 which intersect with the floor and with each other at substantially a right angle (see fig 2A), and a locating member (screw, see page 3 lines 25-45) centrally located of each of said plural corner recesses and projecting upwardly in this recess perpendicularly to the back wall (see fig 2A).

Regarding claim 47, said locating member is configured as a pin member round in cross section (see column 3 lines 25-45), and providing for receipt

Art Unit: 2831

into said corner recess of a mounting member in a selected one of plural alternative orientations (see fig 2A).

Regarding claims 50-51, claims 50-51 are method counter parts of product claims 46-47.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2831

8. Claims 10-12, 20-22, 28-30, 33-35 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Roesch et al (6,423,897).

Roesch et al disclose :

Regarding claims 10-12, 20-22, disclose all the features of the claimed invention as shown above, but fails to disclose Plural mounting lugs integrally joining with said at least one wall and each lug is independent of each other mounting lug. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide any number of mounting lugs, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claims 28-30, the assembly of Roesch et al disclose all of the claimed features as shown above, but fails to disclose said insert recess has a selected shape in axial view (for claim 28), wherein said selected shape is selected from the group consisting of: rectangular, square, oval, semicircular, and bi-cameral (for claim 29), and wherein said selected shape is bi-cameral, and is symmetrical in axial view and includes a pair of semicircular recess portions arranged in mirror image to one another (for claim 30), and applicant doesn't state a particular problem is solved by the shape. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the assembly of Roesch with said insert recess has a selected shape in axial view (for claim 28), wherein said selected shape is selected from the group consisting of: rectangular, square, oval, semicircular, and bi-cameral (for claim 29), and wherein said

Art Unit: 2831

selected shape is bi-cameral, and is symmetrical in axial view and includes a pair of semicircular recess portions arranged in mirror image to one another (for claim 30), since more than a mere change of form is necessary for patentability. In re Span-Deck Inc. V. Fab-con, Inc. (CA 8, 1982) 215 USPQ 835.

Regarding claims 33-35, claims 33-35 are method counter part of product claims 28-30 respectively.

Allowable Subject Matter

9. Claims 5-8, 13-14, 18, 23-24, 48-49 and 52 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claim 49 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The primary reasons for the indication of the allowability of claims 5-8, 13-14, 18, 23-24, 48-49, 52 are the inclusion therein, in combination as currently claimed, of the limitation of said nut member engages one or more of said inner wall surfaces and another nut member to substantially prevent said nut member from rotating when a conduit socket member is tightened into said nut member (for claims 5-8), said web member has a pair of opposite ends, and said web member further joins integrally at each of its opposite ends with respective ones of said plural contiguous walls.

Art Unit: 2831

(For claims 13-14), said nut member engages one or more of said inner side wall surfaces and another adjacent nut member to substantially prevent said nut member from rotating when a conduit socket member is tightened into said nut member (for claim 18), further including an elongate web member extending transversely of said junction box, and said web member integrally joining with each of said plural mounting lugs on said one side wall (for claims 23-24), said mounting member includes an elongate tab member received into a corner recess and upon said mounting pin, said tab member defining a locating hole received over said mounting pin, and plural end edge surfaces disposed about said locating hole and which intersect at 45 degree angles to one another and to the length of said elongate mounting tab (for claim 48), said mounting tab being elongate and including three end edge surfaces each disposed at an effective angle of 45 degrees relative to the adjacent end edge surface (For claim 49), and providing said tab member with plural end edge surfaces disposed about said locating hole and which intersect at 45 degree angles to one another and to the length of said elongate mounting tab, whereby said mounting tab may be adhesively secured into said corner recess in any one of three alternative positions each disposed at 45 degrees to the other (for claim 52).

The previously listed limitation is neither disclosed nor taught by the prior art of record, alone or in combination.

Contact information

Art Unit: 2831

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhiru Patel whose telephone number is (703) 308 - 3748. The examiner can normally be reached on Mondays- Thursdays from 6:30 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard be reached at 703-308-3682. The fax number for this Group is 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Dhiru Patel
Patent Examiner
Group Art Unit 2831
January 10, 2004

Dhiru Patel
Primary Examiner
1/10/04